



CITY COUNCIL

April 20, 2020

A regular meeting of the City of Petoskey City Council was held from virtual locations on Monday, April 20, 2020. This meeting was called to order at 7:00 P.M.; then, after a recitation of the Pledge of Allegiance to the Flag of the United States of America, a roll call then determined that the following were

Present: John Murphy, Mayor
Kate Marshall, City Councilmember
Suzanne Shumway, City Councilmember
Brian Wagner, City Councilmember
Lindsey Walker, City Councilmember

Absent: None

Also in attendance were City Manager Rob Straebel, Clerk-Treasurer Alan Terry, Public Works Director Mike Robbins, Parks and Recreation Director Kendall Klingelsmith, City Planner Amy Tweeten and Executive Assistant Sarah Bek.

Hear Earth Day Proclamation

Mayor Murphy read the following proclamation:

WHEREAS, in this year of 2020 as we celebrate the 50th anniversary of Earth Day, most scientific research, both here and abroad, informs us that our global community now faces extraordinary challenges such as increasingly numerous extreme weather events, environmental and climate changes, food and water shortages and global health issues; and

WHEREAS, Earth Day was founded in 1970 as an American day of education and action regarding environmental issues, but which is now celebrated with a global focus on green issues of importance to all peoples, regardless of race, gender, income or geography who have a moral right to a healthy, sustainable environment; and

WHEREAS, it is understood that the citizens of our global community must step forward and take action to create positive change to combat these global changes; and

WHEREAS, a sustainable environment can be achieved on the individual level through educational efforts, public policy and consumer behavioral changes; and

WHEREAS, it is necessary to broaden and diversify the environmental movement to achieve maximum success:

NOW, THEREFORE, BE IT RESOLVED, that I, John Murphy, Mayor of the City of Petoskey, hereby declare to use this Earth Day, April 22, 2020, as a reminder of our duty to serve in the best interests of our constituents by supporting environmental initiatives in the City of Petoskey and encourage others to undertake similar actions.

Hear Essential Workers Proclamation

Mayor Murphy read the following proclamation:

WHEREAS, it is recognized that some employees are essential and must continue to work to keep and protect our community's strength and well-being regardless of the circumstances that we are currently presented with; and

WHEREAS, there exists a State of Emergency in our nation, state and municipality that is affecting all our communities because of the COVID-19 novel coronavirus; and

WHEREAS, some examples of essential workers include but are not limited to: health care/public health workers; EMS and first responders; public safety officers; postal workers; public transit employees; farmers/agricultural workers; news media employees; grocery store employees; restaurant staff; custodian and sanitation workers; banks and financial institution personnel; truck drivers/delivery services workers; and gas station/convenience store personnel; and

WHEREAS, workers in our community place themselves at risk each day for the good of all; and

WHEREAS, the people of the City of Petoskey are grateful for the efforts of all essential workers and in their debt:

NOW, THEREFORE, in consideration of the foregoing, as Mayor of the City of Petoskey, I hereby proclaim the week beginning April 20, 2020 as essential worker's week. On behalf of the citizens of Petoskey I sincerely thank all essential workers for the vital work they do during the coronavirus pandemic.

Hear District Library Presentation

District Library Director Val Meyerson made a brief presentation concerning the Petoskey District Library and reviewed 2019 statistics and operations. Ms. Meyerson reviewed that overall circulation was up 6%; number of patrons up 4%; attendance per program up 32%; and reviewed news for 2020 including website updates, re-branding, township millage renewals, building updates to Carnegie building and re-opening plans once executive orders are lifted related to the coronavirus pandemic.

City Councilmembers inquired on who manages the Carnegie building; how many full-time and part-time staff at the Library; how debt payments are repaid; and heard comments that library staff is very helpful and commends the Director and staff with all of their new ideas.

Ms. Meyerson responded that there is a proposed agreement in the works concerning Carnegie building operations; that there are seven full-time staff members; and that debt payments are made from the City millage, not townships' millage.

Consent Agenda - Resolution No. 19394

Following introduction of the consent agenda for this meeting of April 20, 2020, City Councilmember Marshall moved that, seconded by City Councilmember Walker adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the April 9, 2020 special session City Council meeting be and are hereby approved; and

BE IT RESOLVED that receipt by the City Council of a report concerning all checks that had been issued since April 9, 2020 for contract and vendor claims at \$532,202.06, intergovernmental claims at \$71,104.96, and the April 16 payroll at \$195,712.32, for a total of \$799,019.34 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Marshall, Shumway, Wagner, Walker, Murphy (5)

NAYS: None (0)

Hear City Manager Updates

The City Manager reported that MDOT postponed landscaping the north side of the highway from Lake Street to Boulder Lane until the Executive Order for “Stay Home, Stay Safe” is rescinded or revised to allow for landscaping work; that staff and the City Attorney have been working with project developers on conditional zoning language for the Family Video property and will be discussed at a meeting in May; commented on the importance to continue to abide by all social distancing requirements and follow the “Stay Home, Stay Safe” mandate in response to the COVID-19 crisis; that the Clerk’s Office has received three medical marijuana provisioning center applications with the deadline being 5:00 P.M., Wednesday, April 22; that staff has begun hydrant flushing throughout the community and signs will be posted in neighborhoods when flushing is occurring; that there is a May 5 Special Election to vote on a millage renewal for the Char-Em ISD and will be completed by mail-in ballots only; that the Little Traverse Wheelway coastal bluff collapsed last week; that MDOT is sending a team of geotechnicians from Lansing to install ground instrumentation to monitor any further movement on the bluff; that chain link fencing will be installed to keep the public out of this dangerous area; and that additional highway signage and reducing the speed by 10mph on U.S. 31 will be completed in early May.

City Councilmembers were glad to see Family Video redevelopment project moving forward; inquired when the Economic Development Strategic Plan would be discussed after postponing in March; inquired if proposed changes for parking requirements will still be discussed; inquired on why the Health Department doesn’t communicate publicly the number of COVID-19 cases being treated at the hospital vs. at home; heard from those in favor of discussing the two zoning ordinance proposals at the May 4 meeting; and inquired on bike trail status and if there were any possible alternatives.

Acknowledge Voter-Approved Ballot Language to Recreational Marijuana Opt-Out Ordinance 769 – Resolution 19395

The City Manager reviewed that on March 10, 2020, voters approved additional language for the City’s recreational marijuana opt-out ordinance; reviewed the language approved by voters; that the new language became effective 10 days after the Emmet County Board of Canvassers certified the election results; and that the new ordinance language needed to be acknowledged by City Council.

City Councilmember Wagner moved that, seconded by City Councilmember Walker acknowledgement of amendments to the following ordinance:

ORDINANCE NO. 769

AN ORDINANCE TO AMEND CHAPTER 8 OF THE PETOSKEY CODE OF ORDINANCES, BUSINESSES AND BUSINESS REGULATIONS, ARTICLE VI- MARIJUANA ESTABLISHMENTS, WITHIN THE CITY OF PETOSKEY PURSUANT TO INITIATIVE PETITION

The City of Petoskey ordains pursuant to an Initiative Petition passed by the majority of the electorate voting thereon:

ARTICLE 8

SECTION 8-169

PROHIBITION OF RECREATIONAL MARIJUANA

Section 8-169 of Article VI of Chapter 8 of the Code of Ordinances is amended to read as follows:

8-169. Prohibition of recreational marijuana.

The Michigan Regulation and Taxation of Marihuana Act (“the Act”) was initiated by the voters of the State of Michigan pursuant to Proposal 1, the Marijuana Legalization Initiative, on November 6, 2018. The Act authorizes cities, villages, and townships to completely prohibit recreational marihuana establishments within their boundaries. Pursuant to that authority, recreational marihuana establishments as defined in the Act are hereby prohibited within the City. No recreational marihuana establishment shall be allowed within the City without first securing the approval of the majority of voters of the City voting on the question in any general or special election.

Pursuant to Michigan law, this ordinance is effective March 22, 2020.

Said motion was adopted by the following vote:

AYES: Marshall, Shumway, Wagner, Walker, Murphy (5)

NAYS: None (0)

Hear Livable Petoskey Master Plan Update

The City Planner reviewed that the Master Plan information presented is in draft form; that Council received a copy of the Sustainability Framework for the master plan update at their March 2 meeting; that the framework incorporates public input, acknowledges where existing planning documents address community sustainability and resiliency and identifies additional actions to further progress; that public health and safety is a focus area, but clearly weren't anticipating that to be the driver in this process that it may become due to the coronavirus pandemic; that the plan will continue to recommend climate resilience actions even though the City is already experiencing serious infrastructure impacts due to rising water levels; that the Planning Commission has held five special master plan meetings to review the current plan chapters and supplemental documents, updating goals, objective and strategies; that the next special meeting of the Planning Commission is May 6 where discussion will be on infrastructure and resource use reduction focus areas; and staff's goal is to have an initial draft of the document to the Planning Commission in June.

City Councilmembers had concerns about the first three paragraphs on COVID-19, which is negative and nebulous; inquired on the first paragraph, and if it should read systematic or systemic; expressed appreciation of framework and look forward to public input; heard from those that were in favor of having ALICE population concerns included; and that public comment is always valuable as part of the process.

Approve Standard Pole Attachment License Agreement Amendment – Resolution No. 19396

The City Manager reviewed that Public Act 365 – Small Wireless Communications Facilities Deployment Act, which became effective March 12, 2019, provides for access to the right-of-way by wireless providers to place small cell wireless facilities with a very limited ability of the municipal to regulate the access or the fees that may be charged for that access; that last October, Council approved through resolution a Standard Pole Attachment License Agreement that set forth the process and terms for carriers and providers, including wireless, to attach to City utility poles; that the agreement primarily focuses on pole sharing and colocation of wireless antenna's on utility poles, not the installation of stand-alone poles or new support structures for wireless facilities within City right-of-way; reviewed that staff along with the City Attorney reviewed current agreement and feel it is necessary to amend the agreement to include conditions and procedures for wireless providers placing new poles or structures in City right-of-way.

City Councilmembers inquired if there will be 5G tower issues; inquired if equipment is placed on City poles if it is still ok for City to continue underground lines; and inquired on design cost share on page 2 of addendum.

City staff reviewed that wireless providers would have the ability to place their own poles and anticipates undergrounding could continue.

Mayor Murphy asked for public comment and heard an inquiry if the City would retain rights to add to pole. The Public Works Director responded that the City is going underground.

City Councilmember Walker moved that, seconded by City Councilmember Wagner adoption of the following resolution:

RESOLUTION REVISING THE PROCESS FOR REQUESTS
BY WIRELESS PROVIDERS TO INSTALL NEW POLES AND STRUCTURES
PURSUANT TO THE TERMS AND CONDITIONS OF A STANDARD POLE
ATTACHMENT AGREEMENT IN COMPLIANCE WITH THE SMALL WIRELESS
COMMUNICATIONS FACILITIES DEPLOYMENT ACT, ACT 365 OF 2018

WHEREAS, the City of Petoskey operates a municipally owned electrical utility; and

WHEREAS, the City uses and controls utility poles for electric delivery service; and

WHEREAS, the Small Wireless Communications Facilities Deployment Act (the "Act"), being Act 365 of 2018 requires that the City permit the collocation of small cell wireless facilities on City poles on a nondiscriminatory basis; and

WHEREAS, the City previously adopted processes and established and adopted terms and conditions consistent with the authorizations and requirements of the Act; and

WHEREAS, the City requires an attaching entity to execute an agreement for collocation of small cell wireless facilities; and

WHEREAS, the City determined that additional clarification and processes concerning Wireless Support Structures and stand-alone poles was needed:

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That City adopts the process as set forth in the attached Standard Pole Attachment License Agreement and all Addenda thereto, (the "Agreement") as revised, and as may be amended by resolution of City from time to time.
2. That City continues to allow collocation of small cell wireless facilities on City poles as set forth in the Agreement and again confirms as follows:
 - a. Decorative light poles as defined in the Agreement are not designed or desired to support small cell wireless facilities.
 - b. Decorative light poles are not used for electric delivery service as defined in MCL 460.10y(13)(a).
3. That all other processes delineated in the Agreement are hereby adopted and confirmed as indicated by prior resolution and by this resolution.
4. That City continues to require all entities requesting collocation of small cell wireless facilities to execute the Agreement prior to making application for a permit to attach to Utility Poles and/or install Wireless Support Structures or stand-alone poles.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately.

Said resolution was adopted by the following vote:

AYES: Marshall, Shumway, Wagner, Walker, Murphy (5)

NAYS: None (0)

Authorize Tree Inventory and Management Plan Contract – Resolution No. 19397

The Parks and Recreation Director reviewed that the City’s 2020 Annual Budget included approximately \$30,000 for a tree inventory and management plan; that the investment the City makes in forestry and also with the designation of a “Tree City, USA” having these important components completed will assist staff with future planning; that the tree inventory will consist of having each street tree and dedicated park trees evaluated, identified and inventoried in a GIS software, which can be accessed by staff; that the City received an \$11,500 grant through the Urban Community Forestry Program to assist in funding the inventory and management plan; that the project needs to be completed by September 1, 2020 to meet grant requirements; and that only one bid was submitted and opened on March 24, 2020.

City Councilmembers inquired if the grant was a matching grant; if program was similar to an asset management plan for trees; and inquired on the low bidder and if it was a reputable company.

The Parks and Recreation Director responded that the grant was a matching grant and the City was responsible for 50% of the cost; and that the company has completed a lot of work throughout the State, specifically in Traverse City, and staff contacted six references in Michigan.

City Councilmember Shumway moved that, seconded by City Councilmember Marshall to authorize contracting with Davey Resource Group, Inc., Kent, Ohio, in the amount of \$15,600 to perform a tree inventory and management plan.

Said motion was adopted by the following vote:

AYES: Marshall, Shumway, Wagner, Walker, Murphy (5)

NAYS: None (0)

Hear Public Comment

Mayor Murphy asked for public comments and heard an inquiry if the City has a pulse on business conditions in relation to the ongoing health crisis.

The City Manager responded that the Petoskey Regional Chamber of Commerce started a weekly round table discussion on various topics relating to effects of the pandemic. Nikki Devitt, Chamber Director, responded that the Paycheck Protection Program for small businesses is being funded and touched on a variety of other related issues.

Council Comments

Mayor Murphy asked for Council comments and Councilmember Wagner thanked the Petoskey Regional Chamber of Commerce for their efforts and ongoing webinars concerning resources for businesses during the pandemic. Councilmember Shumway commented that Petoskey is a great place to live and appreciates the City staff and residents’ efforts and hope during these uncertain times. Mayor Murphy thanked the City Manager and all City staff who continues to work from City Hall or remotely during these unprecedented times and encouraged residents to check on their neighbors and support local businesses.

There being no further business to come before the City Council, this April 20, 2020, meeting of the City Council adjourned at 8:36 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer